

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

John Doe

v.

Civil No. 19-cv-13-JL

Trustees of Dartmouth College

ORDER

After the August 27, 2019 teleconference with counsel, the court orders Dartmouth, Sara Hellstedt, and Bernstein Shur to make the following productions to John Doe within 30 days, subject to privilege¹ and the requirements of the Family Educational Rights and Privacy Act ("FERPA"):

- Identify all individuals or organizations that have provided training on sexual assault investigation procedures to Dartmouth employees involved in sexual assault investigation or discipline or to Dartmouth students from April 2011 to January 21, 2019 and describe the content of the training.
- List the dates on which each of the following people received training or education about investigating or addressing allegations of violations of the Unified

¹ The court is hopeful that counsel will bear in mind its views regarding the work product doctrine, and waivers thereof, expressed during the chambers conference.

Disciplinary Procedures for Sexual Assault and describe the content of the training: Sara Hellstedt, Katharine Strong, Kristi Clemens, Dana Scaduto, Sandhya Ihyer, Elizabeth Agosto, Marvin Burns, Michelle Kermond, and Philip J. Hanlon.

- Produce all documents, communications, and ESI concerning training received by Sara Hellstedt concerning sexual assault investigations from April 2011 to January 21, 2019.
- All documents, communications, and ESI concerning the allegations made against John Doe by Sally Smith through January 21, 2019, including the investigation, finding, sanction process, appeal process, and this lawsuit.
- All documents, communications, and ESI concerning any communication between Smith (or her counsel) and Dartmouth concerning Smith's allegations against Doe through January 21, 2019, including the investigation, finding, sanction process, appeal process, and this lawsuit.
- All communications within Smith's Dartmouth email account with Dartmouth employees, Sara Hellstedt, the Hanover Police Department, or the Office of the Grafton County Attorney concerning her allegations against Doe, through January 21, 2019, including the investigation, finding, sanction process, appeal process, and this lawsuit. All these documents and communications shall be deemed

confidential under the protective order in this case² and shall further be restricted to counsel's eyes only.³

- All documents, communications, and ESI concerning any communications between Sara Hellstedt or Bernstein Shur and Dartmouth concerning Smith's allegations against Doe through January 21, 2019, including the investigation, finding, sanction process, appeal process, and this lawsuit.
- All documents, communications, and ESI concerning any communications between Sara Hellstedt or Bernstein Shur and Sally Smith concerning Smith's allegations against Doe through January 21, 2019, including the investigation, finding, sanction process, appeal process, and this lawsuit.
- All documents and communications concerning Smith's scheduling of a SANE exam and subsequent events related to the scheduled exam on or about May 24, 2018. All these documents and communications shall be deemed confidential

² Document no. 15

³ The court assumes that counsel understand this designation. If further guidance is required, counsel may move to amend the protective order.

under the protective order in this case⁴ and shall further be restricted to counsel's eyes only.

The court understands that there are certain documents which Dartmouth is prepared to produce to Doe, except that Smith, who received notice under FERPA, objects to their production. Smith shall produce a log to Doe detailing her objections to production of these documents, individually or categorically, by September 6, 2019, and counsel for Doe and Smith shall then meet and confer.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: September 3, 2019

cc: Alexander William Campbell, Esq.
Suzanne Amy Spencer, Esq.
William E. Christie, Esq.
Daryl J. Lapp, Esq.
Elizabeth H. Kelly, Esq.
Katherine Ann Guarino, Esq.
Kimberly A. Dougherty, Esq.
Jaye Rancourt, Esq.

⁴ Document no. [15](#)